

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05 CR 201-1**

UNITED STATES OF AMERICA,)
)
Vs.) **ORDER**
)
RICHARD DANIEL CROWDER,)
)
)
Defendant.)
)

THIS MATTER came on to be heard and was heard before the undersigned, Dennis L. Howell, United States Magistrate Judge for the Western District of North Carolina, pursuant to an Order filed in this matter by United States District Judge Lacy H. Thornburg dated May 23, 2006. In the Order, Judge Thornburg directed that the undersigned ascertain whether or not the defendant had retained counsel and if not, whether or not the defendant qualified for the appointment of counsel.

During this hearing, the defendant stated that he desired to present to the court a response to the issue as to whether Albert Neal should be required to return to the defendant or his mother any portion of a fee paid to Mr. Neal. The defendant stated that he had belatedly received correspondence from the court and correspondence from Mr. Neal. On the morning of May 30, 2006, shortly before the hearing, there had been delivered to the undersigned a handwritten document entitled, "Response: Richard Crowder" which had a file stamp dated May 26, 2006 and a letter that begins

with the words, "I Richard Crowder" which had also been filed on May 26, 2006. These documents had been filed by the defendants. After a brief review of these documents, the undersigned determined that it would be in the best interest of justice to refer the matter concerning the fee to Judge Thornburg for such other action as Judge Thornburg should wish to take. The undersigned advised the defendant that he was going to make a referral of the two documents filed on May 26 to take any action that might be needed. Thereafter, the undersigned considered an affidavit filed by the defendant and determined that the defendant was indigent and appointed counsel to represent him.

Order

IT IS THEREFORE ORDERED, that the document filed on May 26, 2006 entitled, "Response: Richard Crowder", and the document that begins with the words, "I Richard Crowder", filed on May 26, 2006 be referred to Judge Thornburg for such action as he may deem appropriate.

IT IS FURTHER ORDERED, that counsel be appointed to represent the defendant.

Signed: June 2, 2006

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

